

## **REMARKS**

The above amendments and these remarks are responsive to the non-final Office action dated December 31, 2007, and are being filed under 37 C.F.R. § 1.111. Claims 1–28, 31–35, 50, and 51 are pending in the application (with claim 3 withdrawn from consideration), prior to entry of the present amendments to the claims. In the Office action, the Examiner rejected each of the pending claims as follows:

- Claims 17–28 and 31–35 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite;
- Claims 1, 2, 4–7, 9–15, 17, 18, and 20–27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,586,985 to Putnam et al. (“Putnam”);
- Claims 1, 2, 4–7, 9–15, 17, 18, and 20–27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,440,135 to Orbay et al. (“Orbay”);
- Claims 8, 16, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orbay in view of U.S. Patent No. 6,383,186 to Michelson (“Michelson”); and
- Claims 8, 16, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Putnam in view of Michelson.

Applicant traverses the rejections, contending that all of the pending claims are definite and are patentable over the cited references, taken alone or in combination. Nevertheless, to expedite the issuance of a patent, and to more particularly point out and distinctly claim aspects of the invention that applicant wants to patent now, applicant has canceled all of the pending claims, without prejudice, and has added 23 new claims, namely, claims 52–74. However, applicant reserves the right to pursue any of the canceled claims, in original or amended form, at a later time. Applicant also has presented arguments showing that all of the pending claims are definite and are

patentable over the cited references, taken alone or in combination. Accordingly, in view of the amendments above and the remarks below, applicant respectfully requests reconsideration of the application and prompt issuance of a Notice of Allowance covering all of the pending claims.

***I. Claim Amendments***

The present communication adds 23 new claims, namely, claims 52–74. Each new claim is fully supported by the application. Exemplary support for each new claim is listed, without limitation, in the following table:

<b><i>Claim</i></b>	<b><i>Exemplary Support</i></b>
52 (Independent)	Figure 8; Page 4, lines 19–21; Page 7, lines 9–11; Page 14, lines 2–5; Page 15, lines 4–6; Page 22, lines 10 and 11; Original claims 36 and 42
53	Page 7, line 11
54	Page 23, lines 1–3; Figure 8
55	Page 22, lines 12–14; Figure 8
56	Page 19, lines 10 and 11
57	Original claim 2
58	Original claim 1; Page 5, lines 5–8
59	Page 11, lines 19–21; Page 18, lines 11–14
60	Original claim 48
61	Original claim 35

<b><i>Claim</i></b>	<b><i>Exemplary Support</i></b>
62 (Independent)	Figure 8; Page 4, lines 19–21; Page 7, lines 9–11; Page 14, lines 2–5; Page 15, lines 4–6; Page 22, lines 10 and 11; Original claim 36
63	Page 7, line 23, to page 8, line 3
64	Page 23, lines 1–3; Figure 8
65	Page 22, lines 12–14; Figure 8
66	Page 19, lines 10 and 11
67	Original claim 2
68	Original claim 1; Page 5, lines 5–8
69	Page 11, lines 19–21; Page 18, lines 11–14
70	Original claim 48
71	Original claim 35
72 (Independent)	Figure 8; Page 4, lines 19–21; Page 7, lines 9–11; Page 14, lines 2–5; Page 15, lines 4–6; Page 22, lines 10 and 11; Original claim 36
73	Page 19, lines 10 and 11
74	Original claim 2

## **II. Claim Rejections – 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 17–28 and 31–35 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. However, applicant has canceled each of claims 17–28 and 31–35, rendering the rejections moot.

## **III. Patentability of the New Claims**

The present communication adds 23 new claims. Each new claim is patentable over the cited references (Putnam, Orbay, and Michelson) because none of the cited references discloses, teaches, or suggests every element of any of the new claims. For example, each of new independent claims 52, 62, and 72 recites, in part, selecting a bone plate defining a long axis and further defining a transverse slot extending transversely to the long axis. None of the cited references discloses, teaches, or suggests a transverse slot as recited by these independent claims. Claims 62 and 72 further distinguish the claimed invention from the prior art by reciting that the transverse slot extends along an arcuate path. Independent claims 52, 62, and 72 thus should be allowed for at least these reasons, as should claims 53–61, claims 63–72, and claims 73 and 74, which depend, respectively, from claims 52, 62 and 72.

## **IV. Conclusion**

Applicant believes that the present communication fully addresses all issues raised by the Examiner in the Office action and that all of the pending claims are patentable over the cited references. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowance covering all of the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance

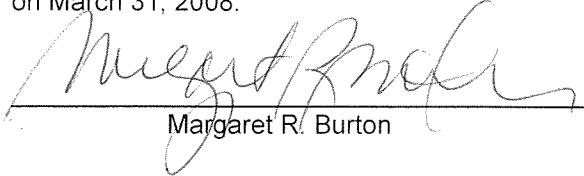
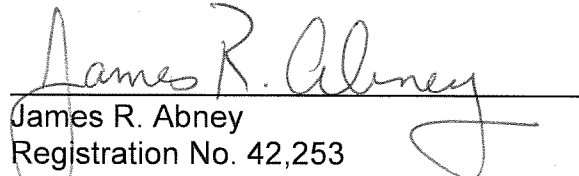
prosecution of the application, please contact the undersigned attorney of record, or his associate, Stan Hollenberg (Reg. No. 47,658), both at (503) 224-6655.

Respectfully submitted,

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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being submitted via the EFS-Web Electronic Filing System to the U.S. Patent and Trademark Office on March 31, 2008.

  
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